

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

Pamela McDeavitt and)	
Leo L. McDeavitt, Jr.,)	Civil Action No. 18-249
)	
Plaintiffs,)	
)	District Judge David S. Cercone /
v.)	Magistrate Judge Lenihan
)	
The Honorable Michael McCarthy,)	ECF No. 3
The Honorable Judith Friedman,)	
The Fifth Judicial District, Beneficial)	
Consumer Discount Company d/b/a)	
Beneficial Mortgage Company of)	
Pennsylvania, Andrew Stutzman,)	
Michelle Badolato, Ian Long,)	
Stradley, Ronon, Stevens and Young,)	
Kim Hong, Tony (Motions Clerk),)	
)	
Defendants.)	

MEMORANDUM ORDER

This civil action was commenced on February 27, 2018 when Plaintiffs Leo L. McDeavitt, Jr., and Pamela McDeavitt filed a Motion for Leave to Proceed in Forma Pauperis. (ECF No. 1.) That motion was granted (ECF No. 2) and the Complaint was docketed on March 14, 2018. (ECF No. 3.) The case was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and Local Rules of Court 72.C and 72.D.

The Magistrate Judge's Report and Recommendation (ECF No. 4), filed on April 10, 2018, recommended that the Plaintiffs' Complaint be dismissed with prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B), as frivolous, for failure to state a claim upon which relief may be granted, and because it seeks monetary relief against a defendant who is immune from such relief. Service was made on Plaintiffs via first class mail to their address of record. The parties were informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and

(C), and Rule 72.D.2 of the Local Rules of Court, that they had fourteen (14) days to file any objections, and that unregistered ECF users were given an additional three (3) days pursuant to Federal Rule of Civil Procedure 6(d). Objections for unregistered ECF Users were due by April 27, 2018. (ECF No. 4.) On April 26, 2018, Plaintiffs filed their Objections to the Report and Recommendation. (ECF No. 6.)

After review of the pleadings, documents in the case and Plaintiffs' Objections, together with the Report and Recommendation, the following Order is entered:

AND NOW, this 14TH day of May, 2018,

IT IS HEREBY ORDERED that Plaintiffs' Complaint is **DISMISSED WITH PREJUDICE** pursuant to 28 U.S.C. § 1915(e)(2)(B), as frivolous, for failure to state a claim upon which relief may be granted, and because it seeks monetary relief against a defendant who is immune from such relief.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 4) of Magistrate Judge Lenihan, dated April 10, 2018, is adopted as the Opinion of the Court.



David Stewart Cercone
Senior United States District Judge

cc: Leo L. McDeavitt, Jr.
104 Dorf Drive
Pittsburgh, PA 15209
(Via First Class Mail)

Pamela McDeavitt
104 Dorf Avenue
Pittsburgh, PA 15209
(Via First Class Mail)